

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

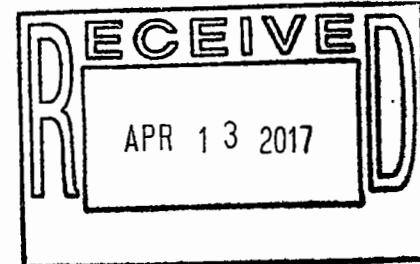
Plaintiffs,

v.

National Football League and
NFL Properties, LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS



Civ. Action No.: 14-cv-00029-AB

HBB

STIPULATION AND [PROPOSED] ORDER¹

This Stipulation and Agreement, dated April [] 2017, is made and entered into by and among the National Football League and NFL Properties LLC (the "NFL Parties"), and Class Counsel (collectively, the "Parties").

WHEREAS, on April 22, 2015, this Court issued a Memorandum (ECF No. 6509) and Final Order and Judgment (ECF No. 6510), and on May 8, 2015, an amended Final Order and Judgment (ECF No. 6534), approving the Settlement Agreement in its entirety;

¹ Unless otherwise noted, the terms used in this Order that are defined in the Settlement Agreement have the same meanings in this Order as in the Settlement Agreement.

WHEREAS, on May 4, 2015, Claims Administrator BrownGreer PLC, in accordance with the Final Order and Judgment and the Settlement Agreement, filed the list of Opt Outs who timely submitted proper requests to opt out in compliance with Section 14.2(a) of the Settlement Agreement, including Retired NFL Football Player Barry Dean Hackett (ECF No. 6533);

WHEREAS, Barry Dean Hackett has since submitted a written request seeking to revoke his Opt Out request (*see* Exhibit 1 (Declaration of Orran L. Brown, Sr.));

WHEREAS, the Parties have agreed to accept the revocation request submitted by Barry Dean Hackett, subject to Court approval, because he submitted the request before Opt Out litigation has commenced in this Court;

AND NOW, this [17] day of April, 2017, it is hereby stipulated and agreed by the Parties that the revocation request submitted by Barry Dean Hackett is accepted, subject to Court approval, because he submitted the request before Opt Out litigation has commenced in this Court.

It is so STIPULATED AND AGREED,

By: *CS*

Date: 04/11/17

Christopher Seeger
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By: *Brad S. Karp*

DA

Date: 04/11/17

Brad S. Karp
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Class Counsel

Counsel for the NFL Parties

It is so **ORDERED**, based on the above Stipulation and the accompanying Declaration of Orran L. Brown, Sr., that the revocation request submitted by Barry Dean Hackett is approved and the Claims Administrator is **DIRECTED** to post a revised list of Opt Outs forthwith excluding Barry Dean Hackett.

Anita B. Brody
ANITA B. BRODY, J. *4/13/17*

Copies **VIA ECF** on _____ to:

Copies **MAILED** on _____ to:

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE	:	No. 2:12-md-02323-AB
PLAYERS' CONCUSSION INJURY	:	MDL No. 2323
LITIGATION	:	
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THIS DOCUMENT RELATES TO:	:	Hon. Anita B. Brody
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ALL ACTIONS	:	
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DECLARATION OF ORRAN L. BROWN, SR.

I, ORRAN L. BROWN, SR., hereby declare and state as follows:

1. My name is Orran L. Brown, Sr. I am the Chairman and a founding partner of BrownGreer PLC, located at 250 Rocketts Way, Richmond, Virginia 23231. BrownGreer PLC is the Claims Administrator under the Class Action Settlement Agreement in this action.
2. I am over the age of 21. The matters set forth in this Declaration are based upon my personal knowledge and information.
3. I submit this Declaration to describe an Opt Out revocation request we recently received.
4. In its April 22, 2015 Final Approval Order and Judgment, the Court directed the Claims Administrator to make public a list of Opt Outs as of that date. We posted on the official Settlement website a list of the Opt Outs that were timely and included all the elements required for a valid Opt Out under Section 14.2(a) of the Settlement Agreement (175 names at the time) and a list of the Opt Outs that were untimely and/or were missing one or more of Section 14.2(a)'s required elements (33 names at the time).
5. Section 14.2(c) of the Settlement Agreement provides that a Class Member who had Opted Out but wished to revoke that Opt Out could submit a written request to do so “[p]rior to the Final Approval Date.” At various times after the April 22, 2015 Final Approval Date, 29 people who had Opted Out submitted requests to revoke their Opt Outs. The Parties to the Settlement Agreement

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agreed to accept those revocation requests, subject to Court approval, and reported the requests to the Court. The Court has approved 28 of the 29 requests by Orders of July 15, 2015 (Document 6642), December 22, 2015 (Document 6713), January 26, 2016 (Document 6739), September 15, 2016 (Document 6907), October 25, 2016 (Document 6924), November 8, 2016 (Document 6937), December 21, 2016 (Document 7033), January 18, 2017 (Document 7084), January 20, 2017 (Document 7097), February 6, 2017 (Document 7119), March 9, 2017 (Document 7264), March 20, 2017 (Document 7297), and March 28, 2017 (Document 7374). A request by Mr. Ottis Anderson, which the Parties reported on April 5, 2017 (Document 7451), is pending before the Court. Each time the Court approved a revocation, we no longer counted that person as an Opt Out and posted on the Settlement website a revised list of Timely Opt Out Requests Containing All Information Required by Section 14.2(a) or Otherwise Approved by the Court (the "Timely Opt Out List") to reflect the results of the Orders. That Timely Opt Out List now contains 153 names, including six persons whose Opt Outs the Court directed be added to the list in its Orders of September 8, 2016 (Document 6902) and March 6, 2017 (Document 7244).

6. On April 10, 2017, we received from counsel for the NFL Parties a letter Mr. Barry Dean Hackett had sent them asking to revoke his Opt Out. Mr. Hackett is on the Timely Opt Out List. I have attached to this Declaration a copy of his letter with his personal information redacted. The Parties to the Settlement Agreement have agreed to accept this revocation request, subject to Court approval. If the Court grants its approval, we no longer will count Mr. Hackett as an Opt Out and, upon the Court's direction, we will post a revised Timely Opt Out List on the Settlement website.

I, Orran L. Brown, Sr., declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on this 11th day of April, 2017.



Orran L. Brown, Sr.

PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP

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SEAGER WEISS LLP
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cseeger@seegerweiss.com

Re: Opt-Out Revocation Request for NFL Concussion Settlement

Dear Gentlemen:

My name is Barry Dean Hackett. I wish to revoke my request to be excluded from the Settlement Class.

It is my wish that I become a Class Member of the Settlement Class.

Name: Barry Dean Hackett

Address: _____

Phone Number: _____

Date of Birth: _____

Signature: Barry Dean Hackett

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing document was served electronically via the Court's electronic filing system on the 11th day of April, 2017, upon all counsel of record.

Dated: April 11, 2017

/s/ Brad S. Karp
Brad S. Karp